

July 2, 2002

Bi-State Development Agency of the Missouri-Illinois District, a
body corporate and politic created and existing by reason of a
joint compact between the States of Missouri and Illinois,
Petitioner,

Vs.

Illinois Commerce Commission,
Respondent.

Petition for Exception to the Horn Sounding Requirements of 625
ILCS 5/18c-7402(2)(a) with respect to the Agency's operation of
Metro link in St. Clair County, Illinois.

RECEIVED
JUL 2 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

T02-0036

STAFF BREIF ON EXCEPTIONS TO PROPOSED ORDER

Staff has reviewed the Proposed Order submitted by the Chief
Administrative Law Judge on June 20, 2002, and offers the following exceptions
to the Proposed Order.

Page 1, first paragraph, line 8, "excused from sounding a whistle warning
¼ mile prior to an at-grade railroad crossings....." the word an should be
removed.

Page 2, end of the carryover paragraph, the word "Bi-State" should be
capitalized.

On page 2, first full paragraph, third word "an, should be changed to "and."

On page 2, the second full paragraph, line 6, the word "bell" should be
changed to "bells" and after the word bells, the following words should be added
"have been installed....".

On page 2, third full paragraph, third line from the last line, the work
"motorist" should be changed to "motorists".

On page 3, third full paragraph, second line, after the term mph, there
should be an end bracket ")".

On page 3, fourth full paragraph, the fifth line, the distance "30 feet"
should be changed to "300 feet."

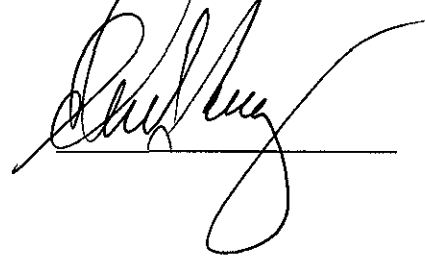
BB/RV

The first three at-grade crossings in the City of East St. Louis have been in existence since 1993. The subject crossings are located at Main Street, 4th Street, and Broadway Street. Bi-State Development Agency of the Missouri-Illinois District, which operates MetroLink, testified that a total of three accidents have occurred at the crossings in Missouri and Illinois. Two of the accidents occurred in Missouri and the third involved a motorist trying to elude a police pursuit and ran into the train at the 15th Street crossing in East St. Louis, Illinois. None of the accidents have occurred at the three originally established crossings in Illinois in 1993. MetroLink has requested that the Commission grant a variance from its whistle requirements and grant permission to MetroLink to be excused from sounding it a train horn at the Main Street, 4th Street, Broadway Street crossings. It is the opinion of MetroLink that due to the three aforementioned crossings being (1) equipped with cantilever mounted automatic flashing light signals and gates controlled by constant warning time circuitry, (2) all but the 4th Street and Main Street crossings being equipped with some type of median barrier (4th Street and Main Street are one-way streets where the gates extend across the entire roadway and a median barrier is not necessary), and (3) there have been less than three accidents (actually, no accidents) over the last five years, the crossings should be excused from the whistle requirement in the Illinois Vehicle Code. The aforementioned statistics meet or exceed the criteria as set forth in the Illinois Vehicle Code 625 ILCS 5/18c-7402(2)(a) and Bi-State requests relief from said statute by being granted a variance as allowed by 625 ILCS 5/18c-7403.

There is one point of contention between staff and Bi-State that discussions are still being conducted to resolve this difference. Bi-State is of the opinion that its current rules for sounding a whistle warning at a crossing is adequate and will address this issue in its reply to Staff's Brief on Exceptions.

Staff has no objection to the entry of an Order insofar as the exceptions noted herein are taken into consideration and made part of the final Order in this matter, subject to the submittals submitted by any other party to this Docket.

Robert S. Berry
Rail Safety Specialist
Illinois Commerce Commission

A handwritten signature in black ink, appearing to read 'R. Berry', is written over a horizontal line.

cc:

Mr. James Easterly, Director
Division of Highways
Illinois Department of
Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Christopher C. Poehler, P.E.
Project Director
Bi-State Development Agency
of the Missouri-Illinois District
707 N. First Street
St. Louis, MO 63102-2595

Ms. Alzada Christian-Carr
Clerk - East St. Louis
7 Collinsville Avenue
East St. Louis, IL 62201-3006

Mr. James C. Hetlage
Lashly & Baer, P.C.
714 Locust Street
St. Louis, MO 63101-1699

Thomas Irwin
Executive Director
Bi-State Development Agency
of the Missouri-Illinois District
707 N. First Street
St. Louis, MO 63102-2595

Ms. Debra Powell
Mayor - East St. Louis
7 Collinsville Avenue
East St. Louis, IL 62201-3006

Mr. Darrell Cates
St. Clair County Highway Engineer
1415 North Belt West
Belleville, IL 62226

+